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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,691	09/12/2003	James A. Schwartz JR.	MSFTP460US	7374

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EXAMINER
SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/661,691	SCHWARTZ ET AL.	
	Examiner	Art Unit	
	Suresh K. Suryawanshi	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/22/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-36 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 1-18 are directed towards a common hardware register pseudo-language (a software).

5. Claim 36 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claim 36 is claiming a data packet.

Claim Objections

7. Claim 7 is objected to because of the following informalities: "the instructions is unique" should have been "the instructions are unique" at line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US Patent 6,993,643) in view of Mayer ("XF_86_SVGA with S3 cards" article).

10. As per claim 1, Powell discloses a system that facilitates specifying and utilizing hardware functionality of a video adapter in a data processing system. The method comprises various steps including first initiating a boot process followed by the type of hardware detection. Then dynamically accessing a XF86 configuration file. Powell utilizes the XF86 configuration file to set the specific parameters of a particular video adapter/card of the data processing system [col. 3, lines 29-37, 53-56; col. 7, line 8 -- col. 8, line 4].

Powell does not expressly disclose that a XF86 configuration file comprises a common hardware register pseudo-language having a set of primitives. However, Mayer clearly discloses that a XF86 configuration file is similar to a common hardware register pseudo-language having a set of primitives [pages 1-14]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as one clearly

mentions about the use of a XF86 configuration file while other details it as a pseudo-language. Moreover, Powell clearly discloses how a XF86 configuration file is utilized to maximize the display capabilities of each display device that may be encountered [col. 2, lines 59-62].

11. As per claim 19, Powell discloses a system that facilitates specifying and utilizing hardware functionality of a video adapter in a data processing system. The method comprises various steps including first initiating a boot process followed by the type of hardware detection. Then dynamically accessing a XF86 configuration file and executing it prior to loading an operating system. Powell utilizes the XF86 configuration file to set the specific parameters of a particular video adapter/card of the data processing system [col. 3, lines 29-37, 53-56; col. 7, line 8 -- col. 8, line 4].

Powell does not expressly disclose that a XF86 configuration file comprises a common hardware register pseudo-language having a set of primitives. However, Mayer clearly discloses that a XF86 configuration file is similar to a common hardware register pseudo-language having a set of primitives [pages 1-14]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as one clearly mentions about the use of a XF86 configuration file while other details it as a pseudo-language. Moreover, Powell clearly discloses how a XF86 configuration file is utilized to maximize the display capabilities of each display device that may be encountered [col. 2, lines 59-62].

12. As per claim 25, Powell discloses a system that facilitates specifying and utilizing hardware functionality of a video adapter in a data processing system. The method comprises various steps including first initiating a boot process followed by the type of hardware detection. Then dynamically accessing a XF86 configuration file and executing it prior to loading an operating system. Powell utilizes the XF86 configuration file to set the specific parameters of a particular video adapter/card of the data processing system [col. 3, lines 29-37, 53-56; col. 7, line 8 -- col. 8, line 4].

Powell does not expressly disclose that a XF86 configuration file comprises a common hardware register pseudo-language having a set of primitives. However, Mayer clearly discloses that a XF86 configuration file is similar to a common hardware register pseudo-language having a set of primitives [pages 1-14]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as one clearly mentions about the use of a XF86 configuration file while other details it as a pseudo-language. Moreover, Powell clearly discloses how a XF86 configuration file is utilized to maximize the display capabilities of each display device that may be encountered [col. 2, lines 59-62].

13. As per claim 36, Powell discloses a system that facilitates specifying and utilizing hardware functionality of a video adapter in a data processing system. The method comprises various steps including first initiating a boot process followed by the type of hardware detection. Then dynamically accessing a XF86 configuration file and executing it. Powell utilizes the XF86 configuration file to set the specific parameters of a particular video adapter/card of the data processing system [col. 3, lines 29-37, 53-56; col. 7, line 8 -- col. 8, line 4].

Powell does not expressly disclose that a XF86 configuration file comprises a common hardware register pseudo-language having a set of primitives. However, Mayer clearly discloses that a XF86 configuration file is similar to a common hardware register pseudo-language having a set of primitives [pages 1-14]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as one clearly mentions about the use of a XF86 configuration file while other details it as a pseudo-language. Moreover, Powell clearly discloses how a XF86 configuration file is utilized to maximize the display capabilities of each display device that may be encountered [col. 2, lines 59-62].

14. As per claim 2, Powell discloses that the set of primitives that are loaded prior to at least one of: boot-up and during initialization [col. 3, lines 29-36].

15. As per claims 3, 20 and 26, Powell and Mayer do not disclose that the set of primitives is concurrently loaded with an advanced configuration and power interface table. However, a routineer in the art would know that it is possible to load the set of primitives with an advanced configuration and power interface table as the advanced configuration and power interface table is loaded during boot process in a windows operating system environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to load the set of primitives concurrently with the advacnced configuration and power interface table. Moreover, it would be beneficial to do so as the advanced configuration and power interface table normally will contain some power consumption parameters for the hardware device to be utilized.

16. As per claim 4, 21 and 27, Powell and Mayer disclose a linking component that links instructions to effect a particular higher-level functionality [inherent to the system as to get the effect of the instructions].

17. As per claims 5, 22, 23 and 28, Mayer discloses that at least one of the instructions is associated with a plurality of registers [pages 1-14].

18. As per claims 6 and 29, Mayer discloses that the instructions comprise primitive(s) and corresponding resources with respect to a particular action [pages 1-14].

19. As per claim 7, Powell discloses that the instructions are unique dependent upon a vendor's proprietary hardware [col. 5, lines 35-46].

20. As per claim 8, Mayer discloses that a subset of the primitives effects reading from a hardware register [pages 1-14].

21. As per claim 9, Mayer discloses that a subset of the primitives effects writing to a hardware register [pages 1-14].

22. As per claim 10, Mayer discloses that the set of primitives includes at least bit-masked reading from a hardware register [pages 1-14].

23. As per claim 11, Mayer discloses that the set of primitives includes at least bit-masked writing to a hardware register [pages 1-14].

24. As per claim 12, Mayer discloses that the pseudo-language is a complete set of possible operations that can be performed upon a generic hardware register [pages 1-14].

25. As per claim 13, Powell discloses a common driver that supports functionality of the hardware [col. 2, lines 46-49; a generic driver].

26. As per claims 14, 24 and 30, Powell discloses an artificial intelligence (AI) component that infers characteristics of a hardware [col. 7, line 45 -- col. 8, line 3; detecting and determining which video adapter is present and configuring it properly].

27. As per claim 15, Powell and Mayer disclose that the AI component infers a series of instructions to perform a high level action [col. 7, line 8 -- col. 8, line 4; pages 1-14].

28. As per claim 16, Mayer discloses that the instructions comprise a primitive and resources to perform a primitive [pages 1-14].

29. As per claim 17, Powell discloses that the AI component comprises an implicitly trained classifier [col. 7, line 45 -- col. 8, line 3; detecting and determining which video adapter is present and configuring it properly].

30. As per claims 18 and 32, Powell discloses that the AI component performs a probabilistic-based utility analysis in connection with loading the set of primitives [col. 7, line 45 -- col. 8, line 3; detecting and determining which video adapter is present and configuring it properly].

31. As per claim 31, Mayer discloses means for assembling the set of primitives [pages 1-14].

32. As per claim 33-35, Powell discloses a computer readable medium [Fig. 1A].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sks
May 25, 2006

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